

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**NIARA BURTON a/k/a Herman
Burton,**

Plaintiff

v.

**JOHN E. WETZEL, et al.,
Defendants**

C.A. No. 22-94 Johnstown

**District Judge Susan Paradise Baxter
Magistrate Judge Keith A. Pesto**

OPINION AND ORDER

Plaintiff Niara Burton, a/k/a Herman Burton, an inmate currently incarcerated at the State Correctional Institution at Greene in Waynesburg, Pennsylvania (“SCI-Greene”) commenced this *pro se* civil rights action against multiple employees of the Pennsylvania Department of Corrections, many of whom were staffed at SCI-Muncy and SCI-Houtzdale, where Plaintiff was previously incarcerated. This matter was referred to United States Magistrate Judge Keith A. Pesto for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Plaintiff filed an amended complaint adding a number of additional claims and Defendants on May 11, 2023 [ECF No. 44]. On May 16, 2025, this Court entered a Memorandum Order adopting the Report and Recommendation of Magistrate Judge Pesto [ECF No. 54] and dismissing all Defendants and claims in Plaintiff’s amended complaint except for Plaintiff’s Eighth Amendment claims against Defendants Dranzo and Reynolds, arising from alleged sexual misconduct that allegedly occurred in the months of March, April, and May

2020, while Plaintiff was incarcerated at SCI-Muncy. [ECF No. 64].


Because the only claims left in this case are against corrections officers at SCI Muncy for events that allegedly took place at SCI Muncy, which is located in Lycoming County, Judge Pesto issued a Report and Recommendation (“R&R”), on July 1, 2025, recommending that this case be transferred to the United States District Court for the Middle District of Pennsylvania, pursuant to 28 U.S.C. §§ 1404(a) and 1406(a). [ECF No. 66]. Objections to the R&R were due to be filed by July 18, 2025; however, no timely objections have been received by the Court.

Thus, after *de novo* review of the relevant documents in this case, together with the report and recommendation, the following order is entered:

AND NOW this 28th day of July, 2025,

IT IS HEREBY ORDERED that the report and recommendation of Magistrate Judge Pesto, issued July 1, 2025 [ECF No. 66], is adopted as the opinion of the court, and that this case be transferred to the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. §§ 1404(a) and 1406(a).

Upon transfer of this case to the Middle District, the Clerk is directed to mark this case “CLOSED.”


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Keith A. Pesto
United States Magistrate Judge